

STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014

Case No. 5549
Date Filed 6/5/06
Hearing Date _____
Receipt _____
Fee \$45000

Shaded Areas for Office Use Only

Type of Application

- ☐ Administrative Decision/Interpretation
☐ Special Exception
☐ Use Variance
☐ Change/Extension of Non-Conforming Use
☐ Minor Area Variance
☒ Area Variance
☐ Variance from Requirements of the Code
☐ Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code _____

CASE 5549 MAP 33 TYPE Variance ELECTION DISTRICT 03

LOCATION 2428 Maxa Meadows Lane, Forest Hill 21050

BY Thomas Fidler, Jr

Appealed because a variance pursuant to Section 267-46.1(B)(5)(b) of the Harford County Code to permit a shed to be located in the 100' agricultural setback in the RR District requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name THOMAS L. FIDLER JR Phone Number 410-879-1568
Address 2428 MAXA MEADOWS LANE FOREST HILL MD. 21050
Street Number Street City State Zip Code

Co-Applicant _____ Phone Number _____

Address _____
Street Number Street City State Zip Code

Contract Purchaser N/A Phone Number _____

Address _____
Street Number Street City State Zip Code

Attorney/Representative N/A Phone Number _____

Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 2428 MAXA MEADOWS LANE
FOREST HILL, MD. 21050

Subdivision VALLEYS & HOWARD CHANCE

Lot Number 43

Acreage/Lot Size 1.9961

Election District #03

Zoning RR

Tax Map No. 33

Grid No. 3E

Parcel 461

Water/Sewer: Private ☒

Public ☐

List ALL structures on property and current use: RESIDENTIAL, PRIMARY DWELLING &
SHED

Estimated time required to present case: 10 MINUTES

If this Appeal is in reference to a Building Permit, state number NO

Would approval of this petition violate the covenants and restrictions for your property? NO

Is this property located within the County's Chesapeake Bay Critical Area? Yes ☐ No ☒

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes ☒ No ☐

Is this request within one (1) mile of any incorporated town limits? Yes ☐ No ☒

Request

RELIEF OF 100' AGRICULTURAL SETBACK TO PERMIT THE PLACEMENT
OF A SHED.

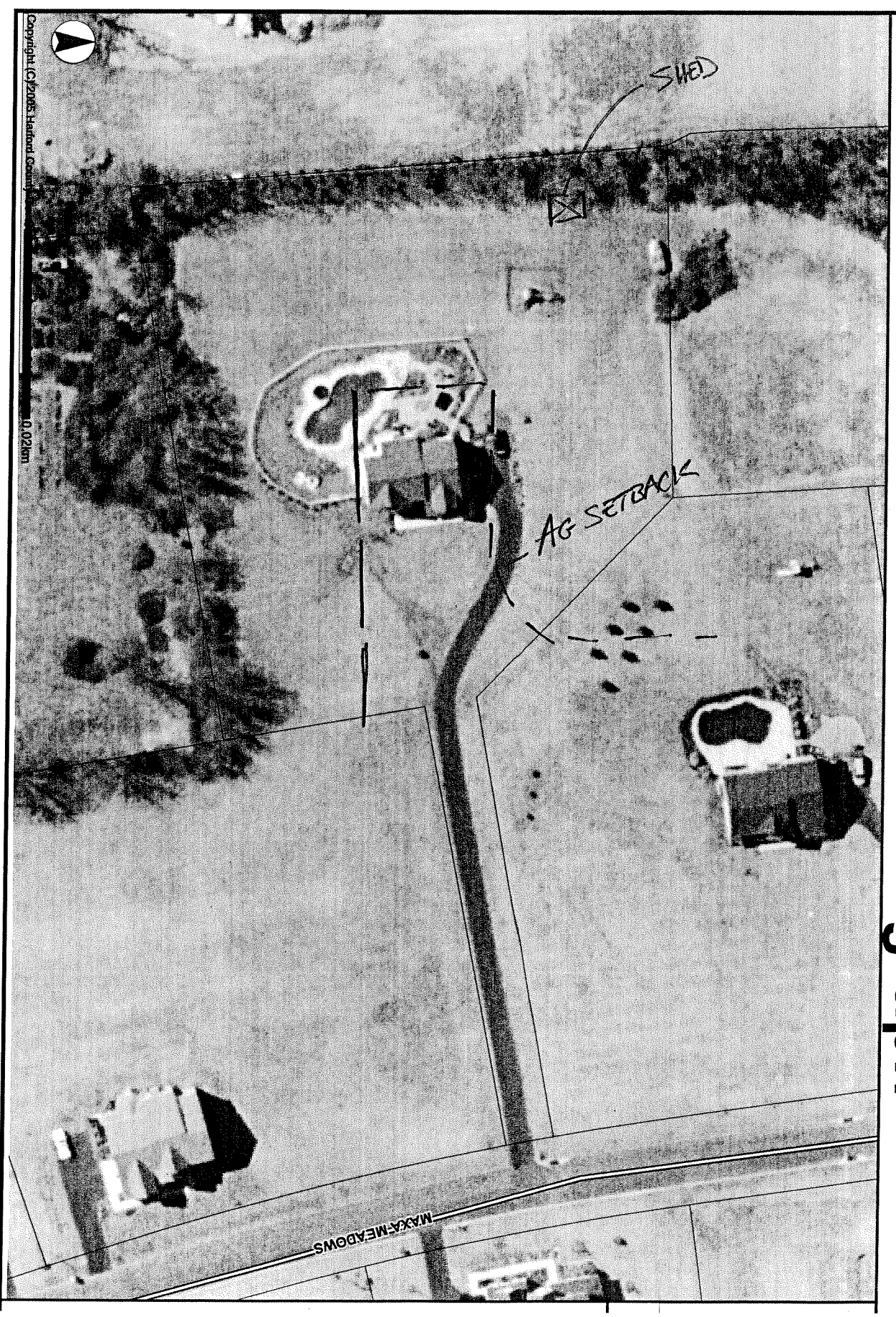
Justification

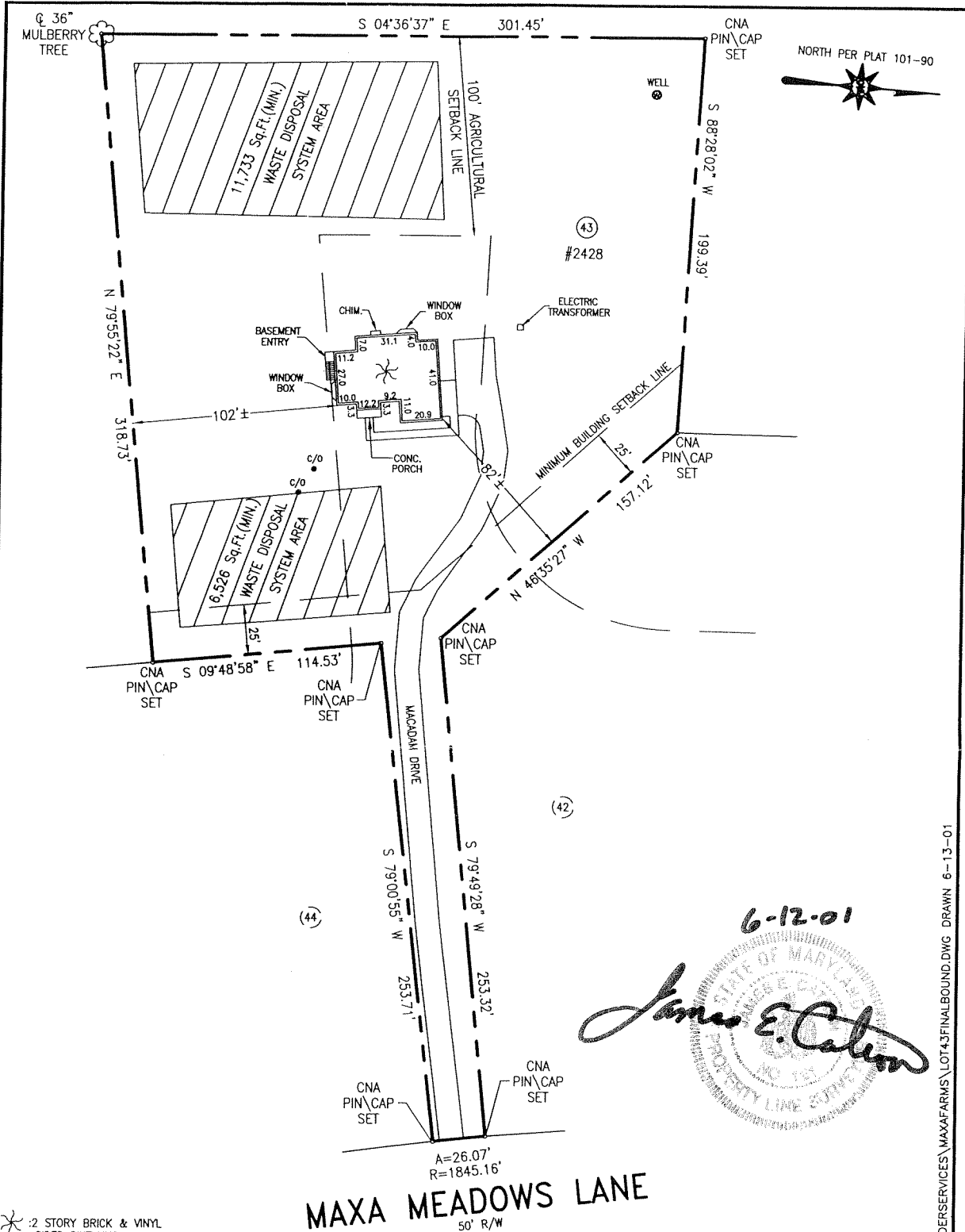
THIS PROPERTY IS VERY UNIQUE IN CHARACTER AS IT IS A "CUL DE
SAC" LOT WITH THE 100' AG. SETBACK ON THREE SIDES OF THE
PROPERTY, THUS PROVIDING NO AREA FOR A SHED THAT IS NOT WITHIN
THE AG. SETBACK.

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

* A PREVIOUS FILING (CASE #5303) PROVIDED RELIEF FOR BOTH (1)
THE CORRECTION OR ACCEPTANCE OF AN EXISTING STAIRWELL WITHIN THE
AG. SETBACK, & (2) THE INSTALLATION OF AN INGROUNDED POOL WITHIN
THE AG. SETBACK.

Aerial Photograph





* 2 STORY BRICK & VINYL
SIDED DWELLING

THIS LOT APPEARS TO LIE WITHIN ZONE "X" AS SHOWN ON
F.J.R.M. #24025C0134 D DATED 1-7-00.

MAXA MEADOWS LANE
50' R/W

PLAT-REF: 101-90

LOCATION DRAWING AND BOUNDARY SURVEY
LOT 43
FINAL PLAT ONE
PHASE III

THE VALLEYS AT HOWARD'S CHANCE

THIRD ELECTION DISTRICT

HARFORD COUNTY, MARYLAND

SCALE: 1"=60'

DATE: 6-12-01

DRAWN BY: CTMc/JSC

JOB NO.: 90034
319-133

CNA
campbell & nolan associates, inc.

Civil Engineers * Land Surveyors * Geotechnical Engineers
P.O. Box 441 * Bel Air, Maryland 21014-0441
(410)879-7200 * (410)838-2784 * Fax(410)838-1811

M:\BUILDERS\SERVICES\MAXAFARUS\LOT43\FINAL BOUND.DWG DRAWN 6-13-01

DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

July 6, 2006

STAFF REPORT

BOARD OF APPEALS CASE NO. 5549

APPLICANT/OWNER: Thomas L. Fidler Jr.
2428 Maxa Meadows Lane, Forest Hill, Maryland 21050

REPRESENTATIVE: Applicant

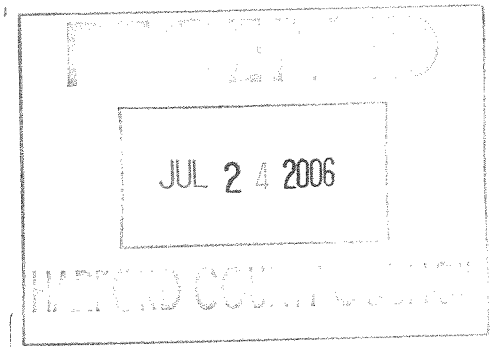
LOCATION: 2428 Maxa Meadows Lane
Tax Map: 33 / Grid: 3E / Parcel: 461 / Lot: 43
Election District: Three (3)

ACREAGE: 1.9961 acres

ZONING: RR/Rural Residential

DATE FILED: June 5, 2006

HEARING DATE: August 2, 2006



APPLICANT'S REQUEST and JUSTIFICATION:

Request:

"Relief of 100 foot Agricultural setback to permit the placement of a shed."

Justification:

"This property is very unique in character as it is a cul de sac lot with the 100 foot AG setback on three sides of the property, thus providing no area for a shed that is not within the AG setback.

Preserving Harford's past; promoting Harford's future

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Thomas L. Fidler, Jr.

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A previous filing (Case 5303) provided relief for both (1) the correction or acceptance of an existing stairwell within the AG setback, and (2) the installation of an in ground pool within the AG setback.”

CODE REQUIREMENTS:

The Applicant is requesting a variance pursuant to Section 267-46.1(B)(5)(a) of the Harford County Code to permit a shed to be located in the 100 foot agricultural setback in the RR/Rural Residential District.

Section 267-46.1(B)(5)(a) of the Harford County Code reads:

- (a) *A minimum one hundred (100) foot setback shall be established along existing public roads (measured from the edge of the right-of-way) and along the adjacent property boundaries, and waterways. This setback may be reduced to fifty (50) feet from the edge of the right-of-way and along the adjacent property boundary if the area within the fifty (50) feet contains existing forest and that forest is retained and designated as an undisturbed forest buffer area and, if necessary supplemental landscaping is provided to adequately screen the proposed development from the public road. Lots may be located within the fifty (50) foot setback provided that no structures are located within this area.*

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicant’s property is located on the west side of Maxa Meadows Lane, north of Jarrettsville Road in the Maxa Meadows subdivision. A location map and a copy of the Applicant’s site plan are enclosed with the report (Attachments 1 and 2).

The subject property is located in an area designated as Rural Residential. The Natural Features Map reflects Sensitive Species Project Review Areas, and Agricultural Preservation Districts and Easements. The subject property is designated as Rural Residential which is defined by the Master Plan as:

Rural Residential – *Areas of focused rural development within the agricultural area, which allow low intensity residential opportunities while maintaining the character of the surrounding countryside. Water and sewer services are not planned for these areas. Residential density is limited to 1.0 dwelling unit per 2 acres.*

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 3 and 4).

Land Use – Existing:

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The existing land uses conform to the intent of the 2004 Master Plan. The subject property is located outside of the Development Envelope. The predominant land uses include residential and agriculture. The topography of the area ranges from rolling to steep especially near the stream valleys. A copy of the topography map and a copy of the aerial photograph are enclosed with the report (Attachments 5 and 6).

The Applicant's property is located on the west side of Maxa Meadows lane. It is a panhandle lot (Attachment 7). The topography of the lot is considered rolling rising up from the road to the existing improvements. The right side of the property slopes down towards the lot lines. Improvements consist of a brick and frame 2 story dwelling with an attached 2 car garage, an in ground pool to the rear of the dwelling with a patio, white fence enclosure, a wooden play facility, blacktop driveway with parking and turning area next to the garage and a frame shed located to the right rear corner of the lot. The area around the pool and fence are landscaped. A row of trees have been planted across the rear of the property and there are evergreens which help buffer the shed and pool area from the adjacent lot. The septic reserve area is split with a portion to the rear of the dwelling and the balance to the front and left of the dwelling. Site photographs along with an enlargement of the aerial photograph are enclosed with the report (Attachments 8 and 9)

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. The residential zoning in the immediate area includes VR/Village Residential and RR/Rural Residential. There is Commercial and Industrial zoning to the south. The subject lot is zoned RR/Rural Residential as shown on the enclosed copy of the zoning map (Attachment 10).

The Applicant's property is subject to a previous Board of Appeals approval (Case #2448) for an in ground pool. The approval was conditioned upon no further reductions or encroachments related to the setbacks shall be allowed. Enclosed with the report is a copy of the decision (Attachment 11).

SUMMARY:

The Applicant is requesting a variance pursuant to Section 267-46.1(B)(5)(a) of the Harford County Code to permit a shed to be located in the 100 foot agricultural setback in the RR/Rural Residential District.

Section 267-46.1(B)(5)(a):

- (a) *A minimum one hundred (100) foot setback shall be established along existing public roads (measured from the edge of the right-of-way) and along the adjacent property boundaries, and waterways. This setback may be reduced to fifty (50) feet from the edge*

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Thomas L. Fidler, Jr.

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of the right-of-way and along the adjacent property boundary if the area within the fifty (50) feet contains existing forest and that forest is retained and designated as an undisturbed forest buffer area and, if necessary supplemental landscaping is provided to adequately screen the proposed development from the public road. Lots may be located within the fifty (50) foot setback provided that no structures are located within this area.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

As recognized in the previous case, the setback requirements on this lot and the split septic reserve areas create a unique property. The usable area for construction is constrained due to these features. When the dwelling was constructed, the required setback from the septic area and the agricultural setback dictated a location near the center of the lot. The requested variance will not adversely impact the adjacent properties or the intent of the Code. The requested shed will be consistent with other accessory structures found in this and similar neighborhoods.

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends approval of the requested variance subject to the applicant obtaining all necessary permits for the shed.



Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review



Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

DJS/ASM/jf